

**FROM THE COMMITTEE ON  
MODEL CIVIL JURY INSTRUCTIONS**

---

The Committee has adopted the following amended model civil jury instruction effective October 4, 2011.

---

**ADOPTED**

**[AMENDED] M Civ JI 25.01 Definition of Proximate Cause— Warranty**

**M Civ JI 25.01 DEFINITION OF PROXIMATE CAUSE— WARRANTY**

**When I use the words “proximate cause” I mean first, that the failure of the product to conform to the warranty must have been a cause of plaintiff’s injury, and second, that the occurrence which is claimed to have produced plaintiff’s injury must have been of a type that is a natural and probable result of the failure of the product to conform to the warranty.**

*Note on Use*

This definition should accompany the warranty instruction(s) concerning burden of proof (M Civ JI 25.12 for express warranty and M Civ JI 25.22 for implied warranty).

In a products liability case where a negligence count is also included, the negligence instruction should be given separately as explained in the Introduction to this Section.

When a defendant presents evidence that the conduct of another person (other than the plaintiff) or another force was a proximate cause, M Civ JI 25.02 and the appropriate instruction from M Civ JI 25.03 and M Civ JI 25.04 should be given in addition to this instruction.

*Comment*

See Comment under M Civ JI 15.01.

There must be a causal connection between the breach of warranty and the injury or damages. In order to describe the required causal relationship (and to state the outer limits of liability based on simple causation), it is proper to use the term and concept of proximate cause. See *Heckel v American Coupling Corp*, 384 Mich 19; 179 NW2d 381 (1970).

The October 2011 amendment made the instruction consistent with MCJI 15.01.

## *History*

Amended December 1988, October 2011.

---

The Michigan Supreme Court has delegated to the Committee on Model Civil Jury Instructions the authority to propose and adopt Model Civil Jury Instructions. MCR 2.512(D). In drafting Model Civil Jury Instructions, it is not the committee's function to create new law or anticipate rulings of the Michigan Supreme Court or Court of Appeals on substantive law. The committee's responsibility is to produce instructions that are supported by existing law.

The members of the Committee on Model Civil Jury Instructions are:

**Chair:** Hon. Alfred M. Butzbaugh

**Reporter:** Timothy J. Raubinger

**Members:** Hon. Jane M. Beckering; Mark R. Bendure; Mark T. Boonstra; Patricia J. Boyle; W. Mack Faison; Gary P. Gordon; Elizabeth Phelps Hardy; Hon. John A. Hohman, Jr.; Helen K. Joyner; Daniel J. McCarthy; David S. Mittleman; Hon. James R. Redford; Hon. Douglas B. Shapiro; Noreen L. Slank; Joseph C. Smith; Paul C. Smith; Hon. Brian R. Sullivan; Hon. Donald A. Teeple; Thomas Van Dusen; Hon. Michael D. Warren, Jr.